

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

PATRICIA HARRIS LEE,	-----X	
	:	
	:	07 CV 6733 (CM)
Plaintiff,	:	
	:	
v.	:	
	:	
SONY BMG MUSIC ENTERTAINMENT, INC.	:	
and BARBARA WARNOCK-MORGAN,	:	
Individual,	:	
	:	
Defendants.	:	
	-----X	

**PROPOSED SPECIAL VERDICT SHEET FOR
DEFENDANT SONY BMG MUSIC ENTERTAINMENT**

JONATHAN D. DAVIS, P.C.
Jonathan D. Davis (JD 5712)
99 Park Avenue
Suite 1600
New York, New York 10016
(212) 687-5464

Attorneys for Defendants SONY
BMG MUSIC ENTERTAINMENT,
the predecessor-in-interest to Sony
Music Entertainment, and Barbara
Warnock-Morgan

PLANTIFF'S CLAIMS

Race Discrimination:

1. Do you find that Plaintiff has proven by a preponderance of the evidence that she experienced a materially adverse employment action by the acts of Defendant SONY BMG that affected the terms or conditions of her employment?

YES _____ NO _____

2. Do you find that Plaintiff has proven by a preponderance of the evidence that the materially adverse employment action she experienced was intended by Defendant SONY BMG and that race was a substantial or motivating factor?

YES _____ NO _____

If you answered "YES" or "NO" to Questions 1 and 2, go to Question 3.

Hostile Work Environment:

3. Do you find that Plaintiff has proven by a preponderance of the evidence that Defendant SONY BMG knew or should have known that Plaintiff, because of her race, was subjected to a hostile work environment, entailing harassment, ridicule or other abusive conduct that was so severe and pervasive, that it interfered with her work performance?

YES _____ NO _____

If you answered "YES," go to Question 4. If you answered "NO," go to question 5.

4. Do you find that Plaintiff has proven by a preponderance of the evidence that Defendant SONY BMG failed to take prompt and appropriate action to correct the hostile work environment Plaintiff was subjected to?

YES ____ NO ____

If you answered "YES" or "NO" to Question 4, go to Question 5.

Retaliation:

5. Do you find that Plaintiff has proven by a preponderance of the evidence that she engaged in protected activity with the knowledge of Defendant SONY BMG?

YES ____ NO ____

If you answered "YES," go to Question 6. If you answered "NO," go to Question 7.

6. Do you find that Plaintiff has proven by a preponderance of the evidence that Defendant SONY BMG caused a materially adverse change in the terms or conditions of Plaintiff's employment because of her race at the time of or after she engaged in protected activity?

YES ____ NO ____

If you answered "YES" or "NO," go to Question 7.

Constructive Discharge Claim:

7. Do you find that Plaintiff has proven by a preponderance of the evidence that Defendant SONY BMG intentionally made Plaintiff's working conditions intolerable because of her race in order to cause her to resign her position?

YES ____ NO ____

If you answered "YES," go to Question 8. If you answered "NO," go to the instructions following Question 8.

8. Do you find that a reasonable person in Plaintiff's position would have resigned from her position at SONY BMG because of the conditions imposed upon her by Defendant SONY BMG?

YES ____ NO ____

If you have answered "NO" to Questions 1 through 8, then you have completed this verdict sheet.

If you have answered "YES" to Questions 1 through 8, go to Question 9.

If you answered "YES" TO Questions 1 and 2, go to Question 9.

If you answered "YES" TO Questions 3 and 4, go to Question 9.

If you answered "YES" TO Questions 5 and 6, go to Question 9.

If you answered "YES" TO Questions 7 and 8, go to Question 9.

DAMAGES

Compensatory Damages

9. If you have found that Defendant SONY BMG was liable for one or more of Plaintiff's claims for race discrimination, hostile work environment, retaliation or wrongful discharge, do you find that Plaintiff has proven by a preponderance of the evidence that she is entitled to recover compensatory damages?

YES ____ NO ____

If you answered "YES," go to Question 10. If you answered "NO," go to Question 11.

10. What amount of compensatory damages do you award to the Plaintiff?

\$_____

If you answered Question 10, go to Question 12.

Nominal Damages

11. If you have found that Plaintiff has proven by a preponderance of the evidence that Defendant SONY BMG was liable for one or more of Plaintiff's claims for race discrimination, hostile work environment, retaliation or wrongful discharge, but do not find that Plaintiff suffered any actual damages, what amount of nominal damages, not exceeding One Dollar (\$1.00), do you award to her?

\$ _____

If you answered Question 11, go to Question 12.

Punitive Damages

12. If you have found that Plaintiff has proven by a preponderance of the evidence that Defendant SONY BMG was liable for one or more of Plaintiff's claims, do you find that Plaintiff has proven by a preponderance of the evidence that Defendant SONY BMG acted with malice or reckless indifference to Plaintiff's rights?

YES ____ NO ____

If you answered "YES," go to Question 13. If you answered "NO," stop here.

13. What amount of punitive damages do you award to Plaintiff?

\$ _____

Juror Signatures:

1. _____

2. _____

3. _____

4. _____

5. _____

6. _____

7. _____

8. _____

9. _____

Please sign and date this verdict sheet.
YOUR VERDICT MUST BE UNANIMOUS